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Your Voice Matters: State Legislatures Reject All Proposed COVID Vaccine Mandates

According to the National Vaccine Information Center 2021 Annual Report, the only COVID vaccine mandates enacted so far were created by state governors, state or local officials or by private employers.

By National Vaccine Information Center

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Story at-a-glance:

- All proposed COVID-19 vaccine mandates were rejected by state legislatures.
- The only COVID-19 vaccine mandates enacted so far were

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created by state governors, state or local officials or by private employers.

2021 has been a most extraordinary year, and the filing and passage of state-based vaccine legislation in response to the COVID-19 pandemic has proven to be historic as well.

Even in spite of the sometimes divisive and hostile political climate, active citizen involvement in the legislative process to protect the human right to exercise informed consent to vaccination was the most successful it has ever been.

The nonprofit educational charity National Vaccine Information Center (NVIC) reports that during the 2021 legislative session, NVIC analyzed, tracked and issued positions on an unprecedented 473 vaccine related bills in 49 states through the NVIC Advocacy Portal.

This was the highest number of bills in the history of NVIC's advocacy program, which was established in 2010, and more than double the bills last year.

NVIC provides well-referenced, accurate information to the public about vaccine science, policy and law but does not make

difference.

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vaccine use recommendations. In 2010, NVIC launched the NVIC Advocacy Portal (NVICAP), a free online vaccine choice advocacy network, for the purpose of securing and defending informed consent protections in vaccine policies and laws.

Over the last 12 years, the NVIC Advocacy Program has analyzed, tracked and issued positions on close to 2,000 vaccine-related bills. NVICAP staff work alongside and share legislative information with many health freedom groups that support NVIC's four-decade call for the protection of vaccine informed consent rights in America.

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The NVIC Advocacy Portal team, including NVIC Advocacy state directors and aligned groups, work with families and enlightened health care professionals to educate legislators and protect vaccine informed consent rights. NVIC issues action alerts and sends them through email, posts them online and shares them through social media and our text alert program.

At the time this report was written, many states still have active vaccine-related bills filed in regular or special sessions; have bills prefiled for next legislative session; or are in recess and will come back to work on bills or have bills that carry over until next session, so it is especially important for everyone who uses the Portal to check in regularly.

Bills referenced in this report are published on the NVIC Advocacy Portal. Registered users can obtain a more detailed bill analysis, including current status, as well as NVIC's position on the bill and recommended action.

Many bills published on the NVICAP also contain language that falls outside of NVIC's mission, but analysis and positions published on the Portal are only focused sections of these bills that fall within NVIC's mission.

Additionally, states and local regions both gained and lost rights this session from executive and local orders, but these orders were not tracked on the Portal attached to grassroots advocacy

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action items because they were not voted on, so there was no way for citizens to affect the outcome.

Highlights from 2021 to date

There are significant positive take-away points from the initial outcomes of the 2021 legislative session:

- Out of the 30 passed bills that contained COVID-19 related measures, 29 were bills that had positive elements that protected vaccine informed consent rights and only one restricted rights.

No state legislatures passed bills with COVID-19 mandates. The only COVID-19 vaccine mandates enacted so far were created by state governors, state or local officials, or by private employers.

- So far, 20 states have passed some form of protective language from COVID-19 vaccine mandates or vaccine passports in some capacity.

These states are: Alabama, Alaska, Arkansas, Arizona, Florida, Iowa, Indiana, Kansas, Kentucky, Louisiana, Missouri, Montana, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Tennessee, Texas and Utah. Specific protections are broken out in detail below.

- The 2021 legislative session featured 278 bills worthy of NVIC's support, which is more than any legislative session since the launching of NVIC's Advocacy Portal in 2010. This is up from only 18 good bills that NVIC supported in 2016.

This is the first year in which NVIC has supported more vaccine-related bills than we opposed, and the ratio of bills supported to bills opposed is more than 2-to-1. An impressive 29 positive bills supporting vaccine informed consent rights passed.

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- Out of the 473 bills filed, NVIC supported 278 bills, opposed 130, and watched 65. Of the 65 bills being watched, there were 52 that included some positive elements.

- Out of the 55 vaccine-related bills that passed, NVIC supported 29 and opposed 14. Out of the 12 bills being watched, seven included some positive elements worthy of support.

2021 passed bill analysis by category

NVIC Advocacy has categorized the 55 bills that passed so far in 2021 in the following categories:

- COVID-19.
- Censorship.
- Vaccine exemptions and mandates.
- Informed consent.
- Minor consent.
- Vaccine tracking.
- Expanding vaccine administrators.
- Unnecessary bills.
- Vetoed bills.

Some bills may be included in multiple categories. The NVIC Advocacy Team provides referenced, accurate vaccine information and talking points for NVICAP users to background legislators. Some of the position statements NVIC posted on the Advocacy Portal in 2021 were listed as bills to "watch."

Sometimes this is done because our analysis indicated that the bill was well-intentioned, but contained some problems needing amending before we could support. Sharing this information resulted in many positive changes to bills.

The breakout and analysis of bills that passed in these different categories identifies trends across the states. This serves as a guide to educating your state legislators and community in 2021, and it shows why it is so important to speak up and protect vaccine informed consent rights. Your voice is making a difference!

COVID-19 related bills (30)

Many of the bills filed in 2021 attempted to protect people from being mandated to take a COVID-19 vaccine or being discriminated against for not showing proof of vaccination or post-infection recovery, including bills opposing vaccine passports in some form.

In November of 2020, NVIC Advocacy created and shared model language to address the real threat of vaccine mandates and forced vaccination in the states in all areas (society, employment, health care, emergency powers etc.) with NVIC state directors and leaders of groups that work closely with NVIC.

NVIC hosted a leader training session and, subsequently, these dedicated freedom and informed consent leaders reached out to their legislators, which assisted in the filing of bills in 49 states with various types of protection from COVID-19 vaccine passports or COVID-19 vaccine mandates.

One of these bills, which was derived from NVIC model language — **Texas SB 1669** — offered the most comprehensive protections of all state bills filed this legislative session.

Although SB 1669 did not pass in Texas, the amazing statements, which were made in public hearings by the bill's

author, Texas doctors and citizens opposing proposed COVID-19 vaccine mandates, helped shift the public conversation for the country.

Read NVIC's full report on the May 6, 2021 historic hearing, which includes transcripts of selected testimony.

So far, 20 states have passed some form of protective language that prohibit COVID-19 vaccine passports or COVID-19 vaccine mandates in some capacity.

These states are: Alabama, Alaska, Arkansas, Arizona, Florida, Iowa, Indiana, Kansas, Kentucky, Louisiana, Missouri, Montana, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Tennessee, Texas and Utah.

Of the 30 COVID-19 related bills that passed, 29 were bills that had positive elements that protected informed consent rights and only one restricted informed consent rights. Importantly, no state legislature passed bills with COVID-19 mandates.

Regarding employer COVID-19 vaccine mandates, Montana passed legislation prohibiting this and Arizona passed legislation prohibiting teachers from being forced to be vaccinated in order to keep their jobs.

Prohibiting discrimination or segregation against those declining COVID-19 vaccines or preventing citizens from being required to show documentation of proof of COVID-19 vaccination (or showing a vaccine passport) has been included in bills passed in many states this year.

Alabama, Arizona, Arkansas, Indiana, Iowa, Kansas, Missouri, Montana, New Hampshire, North Dakota, Tennessee and Texas all passed various types of bills prohibiting discrimination or a requirement to show proof of COVID-19 vaccination in certain circumstances.

Students have gained protection from school COVID-19 vaccine mandates in certain circumstances in Alaska, Arizona, Florida, Kentucky, Louisiana (disclosure of existing right to decline) Oklahoma, Tennessee, and Texas.

Requirements to obtain parental consent to vaccinate minor children in certain circumstances have been added in North Carolina and Ohio.

COVID-19 vaccine mandates have been prohibited outright in certain circumstances in Arizona, Arkansas, Florida, Indiana, New Hampshire, Tennessee and Utah, and new rights to decline COVID-19 vaccines in certain circumstances were added in Arizona, Kentucky and Montana.

Citizens of Iowa and Indiana are protected from having their vaccine status tied to their drivers' licenses or state identification, and Utah has prohibited specified financial incentives to vaccinate with taxpayer money.

The only state to pass a bill limiting rights was Virginia, which penalizes unvaccinated workers in workman's compensation benefits if they have COVID-19.

It is important to note that the COVID-19 mandates that are being implemented today have all been through orders by governors, state health or local officials or by private employers. None has been enacted through passage of legislation by elected representatives in state legislatures.

Some of the state governors have issued executive or emergency orders for COVID-19 mandates. These include:

- Connecticut Gov. Ned Lamont — Executive Order 13D — COVID-19 vaccine mandates for state employees and schools.
- Hawaii Gov. David Ige — Emergency proclamation — COVID-19 vaccine mandates for state and county employees.
- Illinois Gov. J.B. Pritzker — Executive Order 22 — COVID-19 vaccine mandates for health care workers and school personnel.
- New Jersey Gov. Philip Murphy — Executive Order 253 — COVID-19 vaccines for all school worker.
- Oregon Gov. Kate Brown — Executive Order 29 — COVID-19 vaccine mandates for employees of the executive branch.
- Virginia Gov. Ralph Northam — Executive Directive 18 — COVID-19 vaccine mandates for state worker.
- Washington Gov. Jay Inslee — Executive Order 21-14.1 — COVID-19 vaccine mandates for state workers and health

care providers.

Some state health agencies have issued rules or orders for COVID-19 vaccine mandates. These include:

- California Department of Public Health director and state public health officer Dr. Tomás J. Aragón — Public Health Order — COVID-19 vaccine mandates for health care workers.
- Colorado Board of Health — Emergency Rule 6 CCR 1011-1 Chapter 2, General Licensure Standards and the COVID-19 Vaccine — COVID-19 vaccine mandates for health care workers.
- Maine Department of Health and Human Services (DHHS) and Center for Disease Control and Prevention (Maine CDC) — Emergency Order — COVID-19 vaccine mandate for health care workers.
- New York State Department of Health Board and commissioner of health Howard Zucker — order for summary action — COVID-19 vaccine mandates for staff and volunteers at hospitals and nursing homes.

Some local governments or departments have issued rules or orders for COVID-19 mandates. These include:

- Denver Department of Public Health and Environment — Denver Public Health Order — August 2, 2021 — COVID-19 vaccine mandates for city and county employees.
- Honolulu Mayor Rick Blangiardi — Emergency Order NO. 2021-11 — COVID-19 vaccine mandate for employees and customers of restaurants, bars, gym and fitness facilities and entertainment and recreational settings and proof of COVID-19 vaccination to enter.
- Los Angeles Unified School District School Board — School Board File #: Rep-091-21/22, Version: 1 — COVID-19 vaccine mandates for students over age 12.
- Los Angeles City Council — Council File Number: 21-0921 —

COVID-19 vaccine mandates for all city employees.

- New York City Mayor Bill de Blasio — Emergency Executive Order 225 — COVID-19 vaccine mandate for all entry into indoor entertainment, recreation, dining and fitness settings.
- New Orleans Mayor LaToya Cantrell — emergency order — COVID-19 vaccine mandate for indoor dining, indoor fitness, indoor entertainment and performance spaces and certain outdoor performance spaces.
- District of Columbia Mayor Muriel Bowser — Mayor's Order 2021-099 — COVID-19 vaccine mandates for all D.C. employees including health professionals, contractors, grantees and interns.

Some private employers who are already mandating COVID-19 vaccines are Facebook, Google, Microsoft, United Airlines, CNN, Ascension Health, Disney, Amtrak and Goldman Sachs.

Mixing government mandates with employer mandates, the San Antonio Independent School District and superintendent Pedro Martinez enacted an employment policy that all district employees must be vaccinated against COVID-19.

The state of Texas is suing the school district to stop implementation of the mandatory vaccination policy because it is in violation of the Texas governor's executive order that prohibits COVID-19 vaccine mandates in the state.

There are multiple lawsuits challenging these types of COVID-19 vaccine mandates.

Looming on the horizon are threats of more COVID-19 vaccine mandates from President Joe Biden for federal workers in the executive branch, employers with 100 or more employees and military personnel in the armed forces.

Now more than ever, it is critical that people continue to be involved in the legislative process at all levels of city, county, state and federal government, which includes learning where candidates stand on issues important to your family and voting accordingly, and continuing to educate legislators, your governor and local officials in order to protect informed

consent and reject discrimination, segregation and forced vaccination.

Your voices are making a huge difference as you can see in this report, including all the positive bills that were passed protecting informed consent rights listed below.

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Passed bills improving rights to refuse COVID-19 vaccines:

- **Alaska HB 76** adds the right of an individual, as well as the parent or legal guardian of a minor child, to object to the administration of a COVID-19 vaccine based on religious, medical, or other grounds. Additionally, the legislation prohibits requiring a person, who is declining the COVID-19 vaccine for themselves or a child, to provide justification or documentation for that declination.
- **Alabama SB 267** prohibits entities from denying benefits, services and access based on vaccination status.
- **Arizona SB 1825** prohibits public universities or community colleges from requiring or showing proof of receiving COVID-19 vaccines, with the exception of studies being done at a health care institution.
- **Arizona HB 2898** prohibits school districts and charter schools from requiring teachers or students to receive COVID-19 vaccines.
- **Arizona SB 1819** allows individuals to decline vaccination orders based on personal beliefs during state of emergency declarations.
- **Arizona SB 1824** prohibits state and local government from requiring a COVID-19 vaccine or establishing a vaccine passport, and it prohibits EUA vaccines from being mandated.
- **Arkansas HB 1547** prohibits the mandating of COVID-19

vaccines for two years after FDA licensure.

- **Arkansas SB 615** prevents any state or local government official from requiring a vaccine passport and prohibits the use of a vaccine passport as a condition for entry into stores or other public venues, travel, education or services.
- **Florida SB 2006** prohibits government, business and educational institutions from requiring proof of COVID vaccination or post infection recovery. The bill, however, exempts health care facilities, which could leave Floridians vulnerable to being denied health care because of vaccination status.
- **Indiana HB 1405** prohibits the state from issuing and requiring an immunization passport. This bill was not limited to just COVID vaccines.
- **Iowa HB 889** prohibits the state from including vaccination status of COVID-19 vaccines on state-issued ID cards. The bill would also prohibit a business or governmental entity from requiring a customer, patron, client, patient or other person invited onto the premises from having to furnish proof of having received a COVID-19 vaccine.

However, NVIC opposed that bill because it specifically excludes health care facilities. This makes people vulnerable to being denied healthcare over a COVID-19 vaccination status.

The only penalty in the bill for a business in violation is that it can be denied grants or contracts funded by the state. There would be no penalty for a business that does not utilize state grants or contracts.

- **Kansas SB 159** prohibits the use of state general funds to issue or require a COVID-19 vaccine passport without an individual's consent or deny access because of COVID-19 vaccine status. This was an appropriations bill affecting fiscal years ending through June 30, 2023, for state agencies.
- **Kentucky SB 8** adds vaccination exemptions for all and for children attending school during a declared emergency, and requires the Cabinet for Health and Family Services to make

vaccine exemption forms available.

- **Louisiana HR 20** directs each licensed day care center, kindergarten, elementary or secondary school, college, university, proprietary school, or vocational school that requires a vaccine for COVID-19 being distributed under and Emergency Use Authorization (EUA) to fully inform each student or parent or legal guardian of a student that a COVID-19 vaccine, which has not yet been fully licensed by the U.S. Food and Drug Administration, is experimental, and that he or she has a right to refuse the vaccine for reasons of health, religion, or conscience.

Because it is a resolution, it does not enact a new law, nor does it carry any mechanism for enforcement or imposition of a penalty for not complying with the law. This could be helpful if any daycares, schools or colleges try to require COVID-19 vaccines being distributed under an EUA.

- **Missouri HB 271** prohibits a county, city, town or village which receives public funds from requiring documentation of an individual having received a vaccination against COVID-19 in order for the individual to access transportation systems, services or any other public accommodation.

This section would only apply to local government entities receiving public funds and it does not prohibit private businesses or state government entities from requiring documentation of COVID -19 vaccination.

- **Montana HB 435** grants COVID-19 liability limits and protects people's right to refuse a COVID-19 vaccine. If a federal or state statute, regulation, order or public health guidance related to COVID-19 recommends or requires a vaccine, an individual is not required to receive a vaccine and a government entity is not required to ensure employees or agents are vaccinated to meet the standard of care.
- **Montana HB 501** prevents people from being charged with a criminal trespass violation for not having a vaccine, not

providing vaccination status or [not] wearing a mask in a public place by adding a new section to the existing criminal trespassing statute.

- **Montana HB 702** protects those not wanting to be vaccinated with any vaccine, including COVID-19 vaccines, in many areas by prohibiting government, private employers or a public accommodation from penalizing, segregating, discriminating, withholding goods or services or privileges based on the person's vaccination status or whether the person has an immunity passport.

There are several exceptions to the protections in Montana HB 702 that NVIC does not support. The law exempts health care facilities from having to comply. Health facilities could require employees, patients or visitors who are not vaccinated or unable to prove immunity to divulge their private vaccination status.

Based on that information, they could implement "reasonable" accommodation measures. There are no definitions or limits for exactly what those reasonable accommodations would look like.

Permitting a medical facility to require visitors to divulge their vaccination status to have access to visit family or friends is discrimination and this new law permits that type of discrimination.

The legislation also exempts nursing homes or long-term care and assisted living facilities from complying with informed consent protections for individuals when compliance would result in a conflict with guidance or regulations from the U.S. Centers for Disease Control and Prevention or the Centers for Medicare and Medicaid services.

The bill also exempts the protections from applying to schools or daycare.

- **New Hampshire HB 220** establishes limited medical freedom regarding vaccination and prohibits governments from compelling a person to receive a COVID-19 vaccine to secure, receive or access any public facility, any public

benefit or any public service from the state of New Hampshire or any subdivision.

There are exceptions for which these protections do not apply, including schools or state or municipal health facilities, which can still require vaccination for treatment or for inmates, who can still be compelled to be vaccinated. There are no protections from vaccine mandates by private employers or businesses.

- **North Carolina HB 96** requires parental consent for minors to be vaccinated with vaccines being distributed under an EUA. COVID-19 vaccines are already starting to receive full FDA approval, so this offers no additional parental consent requirements to COVID-19 vaccines that have been fully licensed.

Current law 90-21.5 in North Carolina already allows any minor to consent to medical health services for the prevention, diagnosis and treatment of venereal disease and other diseases reportable under G.S. 130A-135.

Parents in North Carolina should be warned that the North Carolina Health Department is using this current law, that was intended for communicable diseases such as sexually transmitted diseases, to allow doctors to give minors COVID-19 vaccines without parental consent.

The parental consent protection passed in HB 96 will become nonapplicable for any vaccine that moves from an EUA to full licensure.

- **North Dakota HB 1465**, for vaccines being distributed under an EUA, prohibits a state or government entity or private business from requiring documentation of administration of a vaccine, the presence of antibodies or evidence of post transmission recovery, in exchange for access to goods or services.

The limited protections do not apply during a public health disaster or emergency declaration and do not apply to any fully licensed vaccine. The bill also does not apply to a health care

provider, including a long-term care provider, or to vaccines required for schools or colleges.

- **Ohio HB 6** requires written parental consent before a minor can be vaccinated with COVID-19 vaccines.
- **Ohio HB 244** prohibits schools from requiring a vaccine that has not been fully licensed by the FDA and prevents discrimination against those who have not received such a vaccine. This bill will not provide protections from COVID-19 vaccine mandates in schools once the vaccines are fully licensed by the FDA.

The protections provided in the bill do not apply to colleges owned or operated by hospitals. HB 248 is still moving in Ohio and deserves support because it provides protections missing in HB 244.

- **Oklahoma SB 658** prohibits school requirements for COVID-19 vaccines or vaccine passports as a condition of admittance to or attendance in schools, and prohibits masks for those who have not received COVID-19 vaccine.

It also requires the State Department of Education to require schools to educate parents about vaccine exemptions each time references are made to vaccination requirements.

- **Tennessee HB 13** prohibits government entities from forcing, requiring or coercing a person to receive COVID-19 vaccines. The protections don't apply to higher education students in health care, dentistry or pharmacy.
- **Tennessee SB 858** prohibits a government entity from mandating that a private business or government entity require proof of a COVID-19 vaccination as a condition of entering the premises of the business or government entity, or utilizing services provided by the business or government entity.
- **Texas SB 968** prohibits all government entities in Texas from issuing a vaccine passport, vaccine pass or other standardized documentation to certify an individual's

COVID-19 vaccination status or to publish or share a person's COVID-19 vaccine record for a purpose other than health care.

It also prohibits all businesses from requiring a customer to provide any documentation certifying the customer's COVID-19 vaccination or post-transmission recovery on entry or access to or to receive service from the business. A business that fails to comply is not eligible to receive a state grant or enter into a contract payable with state funds.

Each appropriate state agency shall ensure that businesses in Texas comply and they may require compliance as a condition for a license, permit, or other state authorization necessary for conducting business in Texas.

What the new law does not cover is a prohibition on COVID-19 vaccine mandates by private employers. Texas vaccine informed consent advocates are working to pass a bill in special session to stop private employer mandates.

- **Utah HB 308** prohibits government mandates for emergency use COVID-19 vaccine only, except for certain individuals in section 4 of the new law, who are subject to mandates even with vaccines being distributed under an EUA.

Also, the prohibition of mandates will expire July 1, 2024. Once the available vaccines are fully licensed by the FDA, protections will not apply. Also, this does not protect employees from employer mandates.

- **Utah SB 1001** prohibits monies appropriated by the legislature from American Rescue Plans federal funding, or by any other appropriation relating to COVID-19 vaccines, from being used to provide financial incentives, awards, drawings or prizes or any similar incentive to anyone for receiving a vaccination.

Passed bills limiting rights of those refusing covid-19 vaccines:

- **Virginia HB 1985** allows discrimination against and economic sanction for unvaccinated employees by removing presumption for coverage in workmen's compensation law for employees, who decline to get the COVID-19 vaccine.

Censorship bills (1)

For a significant win passed in a second special session:

- **Texas HB 20** prevents social media companies with more than 50 million monthly users from banning users simply based on their viewpoints.

The law also requires social media sites to disclose their content management and moderation policies; implement a complaint and appeals process for content they remove, and provide a reason for the removal and a review of their decision. The law prohibits email service providers from impeding the transmission of email messages based on content.

A social media user could bring an action against a social media platform that violated the bill by censoring and banning the user from the platform. A user proving a violation would be entitled to recover declaratory relief, including costs and reasonable attorney's fees, and injunctive relief. The attorney general can also take action.

NVIC has been a victim of the type of censorship this new law will prevent in Texas. NVIC's Facebook page grew from 800 followers in 2008 to 218,000 in 2020. After 39 years of being a highly respected well-known nonprofit charity advocating for vaccine safety and informed consent, NVIC's 13-year-old Facebook page with over 200,000 followers was permanently deplatformed in March 2021.

NVIC's Instagram account was eliminated in April 2021 and NVIC's Twitter account was eliminated in May 2021. Some of NVIC Advocacy's email subscribers have reported that their email provider has censored email subscription verifications and action alerts.

Vaccine exemptions and mandate bills (5)

Legislators fought hard to stop bills attempting to add more

vaccine mandates or restrict or remove vaccine exemptions. Out of 38 bills filed attempting to add more vaccine mandates, restrict or remove vaccine exemptions, only two of the proposed bills passed.

- **Connecticut HB 6423** eliminates the religious exemption for public and private schools, colleges and day care for the 2022-2023 school year.

The act grandfathers into the exemption individuals enrolled in grades kindergarten or higher who submitted a religious exemption prior to April 28, 2021. It also adds data collection and a review of medical exemptions.

- **Washington SB 5151** requires outdoor "nature-based" child care provider employees and volunteers to have MMR vaccine.
- **Oregon HB 2359B** would have required health care interpreters to be registered and receive all recommended vaccines. Opposition helped get this offensive section removed before passage of the bill.

On the other hand, three good bills passed that expanded informed consent protections in specialized circumstances.

- **Montana HB 334** strengthens the medical exemption to vaccination, prohibits the health department from reviewing exemption for the purpose of approving or denying it, and provides privacy protections.
- **Tennessee SB 1337** prohibits an individual or members of the individual's household to undergo an immunization as a condition of adopting a child unless the child is under 18 months of age or has significant documented health conditions that would necessitate vaccination of the caregiver or members of the caregiver's household.

NVIC supports the prohibition of the vaccine requirement on adoption of children but opposes the exceptions to the prohibition.

- **Utah HB 233** prohibits the Utah Board of Higher Education and institutions within the higher education system from requiring proof of vaccination unless vaccine exemptions are available, and prohibits higher education institutions and local education agencies that offer both remote and in-person learning from requiring a vaccine-exempt student to participate remotely rather than in-person.

The law does not apply to students studying in a medical setting at an institution of higher education. It also does not prohibit employees of the institution from having to show proof of vaccination.

- **Arizona SB 1353** initially was filed to allow an antibody test in lieu of a rabies vaccination booster for animals, and NVIC supported the bill in that form. Unfortunately, that section was removed as the bill moved forward, but we continued to watch it in case the animal vaccination exception was added back.

This was one of only five bills that we had in the watch category that passed with no positive provisions.

Informed consent bills (5)

In the 2021 legislative session so far, five bills have passed making improvements to securing the legal right to informed consent to vaccination. This is a significant gain over 2020 where 30 bills were filed attempting to improve informed consent protections with none of those bills passing last year.

- **Florida HB 241** adds sweeping parental rights protections. Specifically related to vaccines, it adds vaccine exemption disclosure.

It requires school boards to develop and adopt a policy to promote parental involvement in the public school system, which includes procedures for a parent to learn about parental rights and responsibilities under general law, including the right of a parent to exempt his or her minor child from immunizations.

- **Idaho HB 298** requires schools to provide information on vaccine exemptions. It specifically requires school officials to describe vaccine exemptions and provide a citation to the exemption law in any communication to parents and legal guardians regarding immunization.
- **Idaho SB 1212** requires when the state of Idaho is using funds from the federal law PL 117-2, The American Rescue Act, to promote vaccines, they would also have to include informed consent language similar to that required by the FDA.

It stipulates that an equal amount of funds may be expended on the promotion of health education, including but not limited to exercise and fitness, consumption of vitamin D supplementation and a reduction in non-nutritional foods such as high-fructose corn syrup.

- **Oklahoma SB 658** (also listed under COVID-19 bills), prohibits school requirements for COVID-19 vaccines or vaccine passports as a condition of admittance to or attendance in schools, and prohibits masks for those not vaccinated against COVID-19.

It also requires the State Department of Education to require schools to educate parents about vaccine exemptions each time references are made to immunization requirements.

- **Tennessee SB 1175** requires any communication provided to students or parents by any school, nursery school, kindergarten, preschool, child care facility or public institution of higher education regarding immunization requirements to include information on the grounds for exemptions to the immunization requirement.

Minor consent bills (3)

In our 2020 NVIC State Legislative Report, issued in September of 2020, we reported that in the troublesome new category of doctors allowing minor children to consent to vaccination on their own without the knowledge of their parents, there were 39 bills filed across 2019 and 2020, but none had yet passed at

the time we released our report.

In October 2020, the worst minor consent bill of them all, **DC B23-0171** started to move, and was ultimately passed and allowed to go into effect by Washington, D.C. Mayor Muriel Bowser effective Dec. 23, 2020.

A lawsuit was filed in federal court by the Parental Rights Foundation in July of 2021 to halt D.C.'s Minor Consent Act of 2020.

To read more about this, please link to an article written by NVIC Co-Founder and president, Barbara Loe Fisher, titled "Doctors Given Power to Vaccinate Young Children Without the Knowledge of Parents."

In the 2021 legislative session to date, the six states of Colorado (1), Minnesota (3), New Jersey (1), New York (4), Pennsylvania (1) and Vermont (1) have bills filed to allow for minor consent.

So far, only one has passed. **Colorado SB 16** allows minors to be vaccinated with vaccines for sexually transmitted infections without parental knowledge or consent.

Parents in Oregon should be aware of a bill that passed this session, which puts their children in danger of being pressured to consent to vaccination without the knowledge or consent of their parents.

Oregon HB 2591A expands funding for mobile medical vans to provide vaccines at schools. The problem with this bill is that in Oregon, children 15 years and older can consent to medical treatment, including vaccination, without parental consent.

While NVIC does not take a position on school-based health clinics or funding for them, when laws and policies are expanded to exert more pressure on minor children to get vaccinated behind parents' backs, we speak out.

Vaccination vans will be appearing at schools and parents need to be prepared to respond if their children are targeted for coercion into receiving vaccines without the knowledge or consent of parents.

On a positive note, **Ohio HB 6** requires written parental consent before a minor can be vaccinated with COVID-19

vaccines. This bill was also listed above in the COVID-19 vaccine section.

Vaccine tracking bills (6)

NVIC has opposed the forced inclusion of Americans in government operated electronic vaccine and health records tracking systems since the 1990s. Once personal medical information is put into a state database, federal law allows that information to be shared without knowledge or consent for conducting public health surveillance, investigations, research or interventions and public health purposes.

See 45 CFR 64.512(b)(2) and a list of core data elements that can be gathered and put into vaccine tracking registry systems. Forced inclusion, forced reporting and opt-out electronic vaccine tracking registries and enforcement systems continue to threaten the medical privacy of citizens and their legal right to refuse vaccines without being subjected to harassment or punishment.

Making all vaccine tracking registries opt-in informed consent and prohibiting public funding for vaccine registries that do not adhere to opt-in informed consent for inclusion should be a priority.

Four bills were passed by state legislatures this session that NVIC opposed that expanded vaccine tracking:

- **Arizona SB 1505** expands access to the personal information collected by the vaccine tracking registry system to include contractors doing external review, as well as certain nonprofit organizations.
- **Colorado SB 137** requires the statewide perinatal substance use data linkage project to utilize data from the Colorado Immunization Information System (CIIS).
- **Georgia SB 46** allows individually identifiable vaccination information regarding a person, without the consent of the person or the person's parents or legal guardians, to be provided to and released by the department to a local health department, hospital, physician or other providers of medical services to the person; or to a school or child care

facility in which the person is enrolled if the person is 18 years of age or younger; or a third party during a declared public health emergency.

During a declared public health emergency, physicians can issue standing orders to pharmacists to give vaccines and all vaccines that are given as a result of a declared public health emergency will be recorded in the registry, whether a person wants that or not. It also requires a signed informed consent stating the patient does not have a contraindication to receiving the vaccine.

The informed consent form shall list the contraindications to the vaccine. This requirement only applies to live attenuated virus vaccines, not to inactivated or any [other] type of vaccine.

- **Virginia HB 2061** mandates that all vaccine providers report to the VIIS (Virginia Immunization Information System), which is the state's vaccine tracking system. Under previous law, reporting to VIIS was voluntary. Inclusion in Virginia's vaccine tracking registry should be opt-in informed consent only. However, currently it operates as an opt-out system.

Parents shouldn't have to opt-out if they don't want their child's personal medical information in the state electronic vaccine tracking registry. Data from these registries are shared with other entities and this puts families at risk of having personal information shared when they did not know or want to be tracked.

Expansion of mandatory reporting of all vaccines given by vaccine providers will increase these occurrences. This is especially concerning with COVID-19 vaccines, where discrimination and segregation is occurring based on vaccination status. Here is a link to Virginia's state vaccine tracking opt-out form.

Vaccine tracking tied to state identification was successfully limited in two states:

- **Indiana HB 1285** prohibits the Division of Motor Vehicles from collecting or indicating vaccine status on state credentials (identification documents).

- **Iowa HB 889** (already mentioned in the above COVID-19 section), prohibits the state from including vaccination status of COVID-19 vaccines on state issued ID cards, such as driver's licenses.

Authorizing more professions to administer more vaccines (3)

Three states passed bills that NVIC was watching that expanded the professionals who can administer vaccines. Our concern with these bills passing is that often health care workers, such as pharmacists, have less training for identifying and screening out those who should not be vaccinated, and for recognizing and ultimately reporting vaccine reactions to the federal Vaccine Adverse Event Reporting System (VAERS).

- **Indiana HB 1079** allows dentists to administer vaccines to patients. The bill does not restrict the vaccines that are allowed to be given or the age of the patients.
- **Iowa SF 296** allows pharmacists to administer all vaccines, including COVID-19, to children ages 3 years old and up.
- **New Hampshire SB 155** allows pharmacy technicians to administer COVID-19 vaccines to adults.
- **California AB 526** allows dentists and podiatrists to administer flu and COVID-19 vaccines to children. It passed the legislature, but is not officially enrolled and is waiting on the governor to take action to let it go into effect or veto it.

There were other states that passed bills to expand who can give vaccines that we did not track for different reasons, including if there were consent provisions or they did not include young children.

Unnecessary bills (1)

Sometimes bills are passed that don't do anything useful and are a waste of time.

- **Texas SB 239** requires the Department of State Health Services to develop and implement a disease prevention information system for dissemination of immunization

> information during a declared state of disaster or local state of disaster. The department should already be disseminating all relevant health information during a disaster as part of their charge to protect the health of the people of Texas.

The department's myopic fixation on vaccine rates over what make people truly healthy has caused trouble during COVID lockdowns and social distancing restrictions. Vaccines don't need a separate disaster dissemination database. The state health department has a website that can be updated.

Governors in three states veto passed vaccine bills (5)

Three governors were responsible for knocking down five passed bills with their veto powers. John Bel Edwards, governor of Louisiana, vetoed the following bills:

- **Louisiana HB 498** prohibited state and local government agencies from discriminating against unvaccinated citizens based on Emergency Use Authorization COVID-19 vaccines. Read his veto statement.
- **Louisiana HB 103** created liability protection for businesses that do not require COVID-19 vaccines. Read his veto statement.
- **Louisiana HB 349** prohibited including vaccination or immunity status on a driver's license or state ID. Read his veto statement.

Tom Wolf, governor of Pennsylvania, vetoed **Pennsylvania SB 618** which prohibits government entities and state funded colleges from requiring proof of COVID-19 vaccination. Read his veto statement.

Tony Evers, governor of Wisconsin, vetoed **Wisconsin AB 23** which prohibits the Department of Health and local health officials from mandating COVID-19 vaccines. Read his signed veto letter.

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Comparing recent sessions to 2021

473 bills represent the most proposed vaccine-related bills NVIC has recorded in the history of the NVIC Advocacy Portal, surpassing the previous all-time high of 232 bills introduced in 2020 and 221 in 2019.

It is important to note that four states (Montana, Nevada, North Dakota, and Texas) meet biennially to consider new bills and do not hold a legislative session in even numbered years.

The biennial sessions that include these states contribute to the sharp rise in bills in odd years. 2020 was the first even year where there was still an increase in vaccine-related bills proposed, even though these four states were not participating in that session.

In 2021, 49 states proposed vaccine-related bills falling under NVIC's mission. This is the highest number of states involved in one session in the history of the NVIC Advocacy program, with the only state not having a bill this year being Nevada. The highest number of states before was 40 plus Washington, D.C. in 2019 and 39 plus DC in 2020.

There was a similar number of bills that NVIC opposed in 2021 — 130 — compared to the last two years, 137 and 123 respectively.

There were far more bills filed that NVIC supported in 2021 than in any other session. NVIC supported 278 bills this session, which is more than two times the 99 bills we supported in 2020, and more than three times the 77 we supported bills in 2019. We are happy to report that the gap between supported and opposed bills has officially been closed in 2021!

Enlightened legislators are not only listening to concerned constituents in greater numbers, but many more are continuing or beginning to resist aggressive lobbying efforts by the vaccine industry, medical trade and other groups, whose positions and profits benefit from laws that force children and adults to use every vaccine sold by pharmaceutical companies and recommended by public health officials.

Only 14 bad vaccine bills passed out of the 130 proposed bills that NVIC opposed in the 2021 legislative session, which is only three more bills than the average of 11 bills over the last seven years.

Individual citizen involvement in the legislative process, through personal communications and education of legislators, continues to make a tremendous impact on the outcomes of vaccine related bills in state legislatures.

As the federal government is attempting to insert itself in state vaccine policy decisions for COVID-19, NVIC predicts this will drive even more Americans in every state to get more involved in the legislative process at every level in the years to come to protect their informed consent rights.

What can you do?

NVIC expects that the federal government, the vaccine industry and their medical trade association partners will continue to step up efforts to force COVID-19 vaccination and restrict or remove vaccine exemptions in 2022 since all COVID-19 vaccine mandate bills failed in the states and many protective bills were passed in 2021.

We have to hold the line in the states and we need you. Please become a registered user of the free online NVIC Advocacy Portal and check in often to learn about ways to personally educate your legislators when vaccine bills that affect your rights are moving in your state.

Please encourage your family and all of your friends to do the same. Also, register for our text alerts by texting the full name of your state to (202) 618-5488.

Clearly your efforts are making a much more significant difference than the mainstream media and those pushing “no exceptions” forced vaccination policies and laws are willing to admit, and your active participation is vital to protecting informed consent rights and vaccine choices in America.

If you see inaccurate information in the media, please take the time to respond by making a constructive comment online. You can also email the journalist or call the media outlet and provide accurate, well-referenced Diseases and Vaccines information and accurate state vaccine law information, which you can find on our website NVIC.org.

NVIC's illustrated and fully referenced Guide to Reforming Vaccine Policy and Law is another good vaccine education tool for legislators and friends and family, too. We have many excellent referenced articles you can use published on current issues, including those on COVID-19 in our free weekly journal newspaper The Vaccine Reaction.

The same holds true if you are censored online for providing accurate information about vaccination, infectious diseases and health. Contest it and educate those doing the censoring.

The information seeds you plant today can make a difference tomorrow and into the future.

Yes, the challenges are great, but so are the opportunities to educate and empower legislators and residents of every state to defend vaccine freedom of choice. NVIC is committed to continuing to make that happen, and we look forward to working with you through the NVIC Advocacy Portal to help you protect vaccine informed consent rights in your state in the remaining days of 2021, and 2022 and beyond.

Originally published by National Vaccine Information Center.

The views and opinions expressed in this article are those of the authors and do not necessarily reflect the views of Children's Health Defense.

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National Vaccine Information Center

The non-profit National Vaccine Information Center is an independent clearinghouse for information on diseases and vaccine science, policy, law and the ethical principle of informed consent.

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